IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5456 of 2007()

CRIME NO.11/2007 OF TOWN SOUTH POLICE STATION, PALAKKAD

PETITIONERS : ACCUSED 1, 9 & 15

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1. P.VENUGOPALAN, S/O. LATE
   KUMARAYEZHUTHASSAN, AGED 37 YEARS,
   CHERUMUNDASSERY POST, AMBALAPARA VIA, OTTAPALAM.

2. DEVADAS.R., S/O.RAMANKUTTY,
   AMRITA BHAVAN, ARRIKKARA STREET,
   PALAKKAD.

3. HARI PRASAD .M.,
   S/O.MURUGESHAN, 40/264, SUBRAMANIYAPURAM,
   PATTIKKARA,PALAKKAD.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESEING THE SI OF POLICE,
TOWN SOUTH POLICE STATION,PALAKKAD.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5456 of 2007

Dated this the 10th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations of having committed offences punishable, inter alia, under Sections 332 and 188 r/w 149 I.P.C. Investigation is now complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate.

2. According to the petitioners, they are absolutely innocent. They are accused 1, 9 & 15 in the crime. Their absence earlier was not wilful. They are prepared to surrender before the learned Magistrate and seek regular bail. But they apprehend that their application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioners.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law

and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This bail application is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-